

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOE NACLERIO, *individually and on behalf of
all others similarly situated*,

Plaintiff,

-v.-

DOCGO INC., STAN VASHOVSKY, ANTHONY
CAPONE, ANDRE OBERHOLZER, NORMAN
ROSENBERG, and LEE BIENSTOCK,

Defendants.

23 Civ. 9476 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On October 27, 2023, Plaintiff filed a class action lawsuit on behalf of certain stockholders of DocGo securities (Dkt. #1). The complaint alleges violations of Section 10(b) of the Securities Exchange Act of 1934 (the “1934 Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5. The complaint also alleges violations of Section 20(a) of the 1934 Act, 15 U.S.C. § 78t(a).

The Private Securities Litigation Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A), requires that:

Not later than 20 days after the date on which the complaint is filed, the plaintiff or plaintiffs shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class —

(I) of the pendency of the action, the claims asserted therein, and the purported class period

(II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.

15 U.S.C. § 78u-4(a)(3)(A)(i). The PSLRA also requires that:

Not later than 90 days after the date on which a notice is published under subparagraph (A)(i), the court shall consider any motion made by a purported class member in response to the notice, including any motion by a class member who is not individually named as a plaintiff in the complaint or complaints, and shall appoint as lead plaintiff the member or members of the purported plaintiff class that the court determines to be most capable of adequately representing the interests of class members....

Id. § 78u-4(a)(3)(B)(i). In the event that “more than one action on behalf of a class asserting substantially the same claim or claims ... has been filed, and any party has sought to consolidate those actions for pretrial purposes or for trial, the Court shall not” appoint a lead plaintiff “until after [a] decision on the motion to consolidate is rendered.” *Id.* § 78u-4(a)(3)(B)(ii).

Plaintiff’s counsel published the required notice on October 27, 2023. (Dkt. #8-1). Members of the purported class therefore have until **January 25, 2024**, to move the Court to serve as lead plaintiffs. Accordingly, it is hereby:

ORDERED that opposition to any motion for appointment of lead plaintiff shall be served and filed by **February 8, 2024**.

IT IS FURTHER ORDERED that a conference shall be held at **10:00 a.m.** on **February 20, 2024**, in Courtroom 618, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York to consider any motions for appointment of lead plaintiff and lead counsel and for consolidation.

SO ORDERED.

Dated: November 17, 2023
New York, New York



KATHERINE POLK FAILLA
United States District Judge